

FILED
U.S. DISTRICT COURT

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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES INDUSTRY AND FINANCIAL)
MARKETS ASSOCIATION, a New York-)
Based Non-Profit Corporation)

Plaintiff,

v.

R. WAYNE KLEIN, an individual, in his)
official capacity as Director, Utah Division of)
Securities, Utah Department of Commerce,)

Defendant.

JOINT MOTION TO DISMISS

Case No. 2:06cv00624 TC

Judge Tena Campbell

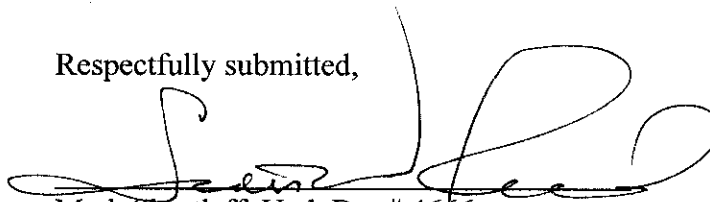
Plaintiff the Securities Industry and Financial Markets Association (“SIFMA”), and defendant R. Wayne Klein (“Klein”) in his official capacity as Director, Utah Division of Securities (the “Division”), Utah Department of Commerce, hereby jointly move the Court to dismiss the above-captioned matter.

SIFMA filed this lawsuit on July 28, 2006 complaining, *inter alia*, that the requirements of Senate Bill No. 3004, adopted by the Utah Legislature in its 2006 Third Special Session, 2006 Utah Laws 3rd Sp. Sess. Ch. 4 (S.B. 3004) (the “Amendments”), were preempted by federal law. On August 10, 2006 the parties stipulated to the entry of a preliminary injunction delaying implementation and enforcement of the Amendments until June 1, 2007. *See* Docket No. 5.

On February 28, 2007 the Legislature enacted Senate Bill 277 (“SB277”), which repealed the Amendments. The Governor signed SB277 on March 14, 2007. SB277 became effective April 30, 2007. SB277 renders the claims in SIFMA’s Complaint moot. Accordingly, the parties jointly move the Court for dissolution of the current injunction and an Order of Dismissal of the above-encaptioned matter. A proposed order is attached.

Dated: May 3, 2007

Respectfully submitted,

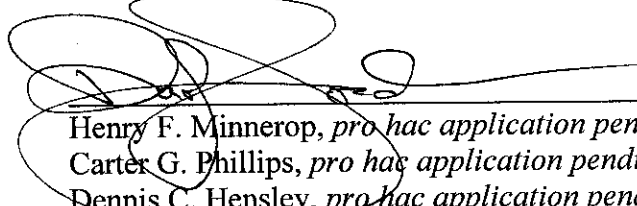
A handwritten signature in black ink, appearing to read 'Mark Shurtleff', written over a horizontal line.

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Attorneys for Defendant R. Wayne Klein in his
official capacity as Director, Utah Division of
Securities, Utah Department of Commerce

Dated: May 3, 2007

Respectfully submitted,



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